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OFFICE OF PETITIONS

PATENT

Docket No. 10551/317

DAC.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Jonathan S. TILL
SERIAL NO. : 10/050,879
FILED : January 18, 2002
FOR : PRESBYOPIA TREATMENT BY LENS
ALTERATION
GROUP ART UNIT : 1615
EXAMINER : Carlos A. Azpuru

Mail Stop PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 C.F.R. 1.78(a)(3)
TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM
UNDER 35 USC §120

SIR:

Subsequent to the Decision on Petition dated February 25, 2004 dismissing the Petition filed November 3, 2003 and supplemented on January 15, 2004, Applicants respectfully request that the above-identified patent application be amended as follows in the instant Renewed Petition:

Adjustment date: 04/08/2004 AKELLEY
11/05/2003 HGTEN:01 00000094 110600 09930287
01 FC:1453 1330.00 CR

04/08/2004 AKELLEY 00000005 110600 10050879
01 FC:1454 1330.00 DA

IN THE SPECIFICATION

Please delete the first paragraph appearing at page 1 under the title and introduced in a preliminary amended filed February 15, 2002, and replace with the following paragraph:

--The instant application is a continuation-in-part of the co-pending utility application serial number 09/930,287 filed August 16, 2001 and entitled "Presbyopia Treatment by Lens Alteration," from which priority is claimed under 35 U.S.C. §120. Application serial number 09/930,287 in turn claims priority under 35 U.S.C. §120 to provisional application serial number 60/225,659 filed August 16, 2000, from which priority is again claimed herein under 35 U.S.C. §120. The instant application further claims priority under 35 U.S.C. §120 to provisional application serial number 60/262,423 filed January 19, 2001.-

REMARKS

The instant Renewed Petition under 1.78 is being filed in response to the Decision on Petition of February 25, 2004 dismissing the Petition of November 3, 2003 supplemented January 15, 2004. The instant Renewed Petition is being submitted to include an amendment to the specification expressly referring to applications from which priority under 35 USC 120 is being claimed, and omitting any incorporations by reference in the amendment.

The undersigned would like to thank Ms. Karen Creasy of the Office of Petitions for her direction that the instant submission be filed during a telephone conference on March 1, 2004.

Applicants thus respectfully request that the above identified patent application be permitted: (1) to constitute, under 37 CFR 1.53(b), a continuation-in-part of co-pending utility application serial number 09/930,287 filed August 16, 2001, and (2) to claim the benefit, under 35 USC 120 of:

- a. the filing date of co-pending utility application serial number 09/930,287 filed August 16, 2001; and
- b. the filing date of provisional application serial number 60/225,659 filed August 16, 2000, from which application serial number 09/930,287 claims benefit under 35 USC 120.

The entire delay between the date on which the above claims for priority were due and the date of this submission was unintentional.


The petition fee for an unintentionally delayed claim for priority under 37 C.F.R. §1.78(a)(3) pursuant to 37 C.F.R. §1.17(t) was already authorized to be paid in the Petition filed on November 3, 2003.

The Commissioner is authorized to charge the above fee and any additional fees, or to credit any overpayment, to Kenyon & Kenyon Deposit Account No. 11-0600.

The Office is invited to contact the undersigned to discuss any matter regarding this Submission.

Respectfully submitted,

Date: 03-01-04


Laleh Jalali
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